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PROTEST AGAINST THE ROBBERY

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OF THE

C O L O R E D R A C E

BY THE PROPOSED

AMENDMENT OF THE CONSTITUTION,

BY

REV. GEORGE B. CHEEVER, D.D.,

PASTOR OF THE CHURCH OF THE PURITANS, IN NEW YORK CITY.



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A N A L Y S I S  
OF  
THE PLAN OF RECONSTRUCTION.

Ye shall have one manner of law, as well for the stranger as for one of your own country. For I am the Lord your God.—Lev. xxiv., 22.

Thou shalt not respect persons ; that which is altogether just shalt thou follow.—Deut. xvi., 20.

Thou shalt not follow a multitude to do evil ; neither shalt thou speak in a cause to decline after many to wrest judgment.—Exodus xxiii., 2.

And so Pilate, willing to content the people, released Barabbas unto them, and delivered Jesus, when he had scourged him, to be crucified.—Mark xv., 15.

From the present Congress, the first Legislative Assembly of the United States after the defeat of the rebellion and the assassination of President Lincoln, much was justly expected for God and the country. The opportunity was vast and grand. And the *vox populi*, if not the *vox Dei*, was heard gladly, and they did many things. And in behalf of the colored race, in the fresh, grateful remembrance of the services of two hundred thousand soldiers, many admirable speeches were made, and much was promised, from the enactment of impartial suffrage in the District of Columbia, to the same just measure in the rebel States. And great admiration and applause was bestowed in view of such patriotic assurances, and wise and good beginnings. The disappointment of a failure is severe in proportion.

For the conclusion of all this deliberative glory is a proposal to amend the Constitution of the United States, not in behalf of justice, but against it ; not for the protection of the colored race, but for their oppression ; not to release them from the endurance of wrong, but to deliver them,

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for the content of the rebels, to be morally crucified. For such is the result, in our country, of constitutionally depriving them of the right to vote on account of the color of the skin.

The question is one of public morality and justice, and must necessarily be examined in the light of the Word of God, in regard to the obligations between government and people. Let us consider. 1. The supreme jurisdiction and consequent responsibility of Congress in the matter and their present position. 2. The position of the colored race, and the origin of the plan of reconstruction excluding them from suffrage. 3. The Report of Congress as proposing such exclusion by Amendment of the Constitution. 4. The nature of the Amendment as a violation of Divine justice, and a revolution in the government against the rights of the whole people.

POWER AND OPPORTUNITY POSSESSED. ASSUMPTION AND POSITION TAKEN.

Even if the rebels were not punished for their treason we had a right to expect that the blacks should not be punished for their loyalty. The Congress have had full power. In every measure looking towards justice they have been sustained by the country. The country would have received with acclamation a law securing to the colored race the right of suffrage. The Congress had complete jurisdiction. The Report of the Committee makes this evident. Whatever they did in behalf of the rebels, they could have done as much in behalf of the loyal population. If it was in their power to provide that the rebel States should retain their authority over the colored race, it was equally in their power to have provided that the colored race should have the same authority, the same privileges, the same rights, the same representation in proportion to their numbers, and the same security, as the white race.

But Congress and the Committee have proceeded on the

assumption that while the white race have natural and inalienable rights indestructible even by treason, the rights of the black race are only such as the white government may please to bestow upon them. The white race possess their rights by nature, the blacks receive theirs only by governmental grace, the whites constituting the sole determining authority.

This is a direct violation, on a vast scale, of the law of God in regard to governmental justice, that it shall not be conducted with respect to persons. If only one man were deprived of the right to vote, by an enactment of the Legislature, or a decision of the judges on account of the color of his skin, that would be a glaring instance of respect to persons. How much more if a class of many thousands be deprived of that right, by an enactment of law, an amendment of "the organic law" in the Constitution, contrived for that very purpose !

This aspect of the matter brings it up as a religious interest, a thing demanding examination because it contravenes the religious obligations and Christian conscience of the country ; a matter requiring the strictest judgment at the bar of God's Word. It is not a mere political transaction, or a question of political economy or expediency, but of fundamental vital morality, a question of the violation of justice, both personal and public.

We have come to a most solemn juncture. What we do now we do by legislation, and we are laying the foundations of many generations. What we sanction as a power in States we put as precedent and construction into the Constitution. If we leave the States at liberty to deprive the colored race of suffrage, in spite of the clause requiring us to guarantee a republican government, then for all coming time it will be pleaded that a republican government is decided to mean a government the benefits of which are only for the whites.

We have been promising that if we had the power we

would free and elevate the slaves. We have justified ourselves for not abolishing slavery, because we could not do it by law. If we could we would redeem them. We would legislate in their behalf, if we had the power. God said, Give the power. Behold they are in thine hands to do with them as thou pleasest. And we not only refuse to pass a law for their protection, but give them over into the power of rebel States to oppress them, so amending the Constitution for that purpose, that it shall be an elementary right of State sovereignty to deprive them of their rights at pleasure.

This is the trial of our government. Every other has been trifling. If we cannot legislate for the protection of our citizens, but in various parts of the country communities of two or three hundred thousand have the right to defraud and oppress other hundreds of thousands, and we cannot interfere by the power of righteous law, then our government is a failure. The ability and the spirit to carry on a war are common qualities. The power of wise legislation and of the protection of all the citizens under equal laws is another thing. Our government is vaunted as having stood the tug of a war of four years against a rebellion in behalf of slavery. It must have been a thing unworthy of the name of government if it could not stand that. But now comes the real trial. If it is so weak that it dare not or cannot legislate for justice without respect to persons, but is compelled to leave the weak and defenceless in the power of the wicked and the strong, then it is no true government.

#### RESPECT OF PERSONS IN GOVERNMENT A CRIME AGAINST GOD.

THE question before us is the government of the whole country by the Constitution, and of all its inhabitants, black or white, as citizens and subjects of the United States on the principles of justice and liberty, for which government is ordained of God. The government cannot constitutionally separate the inhabitants into classes of black or white

to be treated with a separate legislation according to the color of the skin. It cannot suppose a possibility of any particular class or race of the citizens of the United States being shut out from the common rights of citizens under the Constitution on account of blood or race or complexion. Whatever it does, as the supreme parental government for the people, by authority derived under God from the whole people, it must do for all.

Especially, in the case before us of the rebel States, the government cannot recognize as authoritative or instructive the prejudices, customs, or municipal laws founded in slavery—cannot adopt such things as examples or precedents. The government cannot permit the interpretation and application of the Constitution to be determined by local prejudices or statutes, and habits of ostracism and caste, of the nature of attainder of blood, from generation to generation. These oppressions may have grown up and existed in violation of the Constitution, both the letter and spirit of which, once directly applied, would sweep them all away. Now the time has come, in the good providence of God, through the rebellion, in which the Constitution can be directly applied for personal freedom and justice. And now to permit these abuses to stand as interpreters of the Constitution, or nullifiers of its equal justice, to consult these oppressions as the Urim and Thummim of the State, or to admit them into the Constitution as its legitimate products or advisers, would be monstrous. We might as properly adopt the buried codes of Pompeii or of Sodom for our instruction in morals. It would be like forcibly administering the will of a dead person, who had left large quantities of poison to be given to his servants. The rebel States being dead in law, we propose to assume and administer as a legal constitutional heritage the prejudice against the negro, and the custom of oppression excluding him on account of his complexion from our own common rights of humanity, from rights which we would ourselves



die rather than relinquish. This is the false position into which we have been thrown as a government and people in consequence of the President adopting the prejudice against color as the corner-stone of his scheme of reconstruction.

That scheme was presented in his proclamations ordering the rebel States to appoint conventions of the people for the framing of loyal State governments. The primal question was, Who should vote? The disqualifying condition was the color of the skin, and that condition was appointed by the President, in that he designated as the only person who should be allowed to vote those who had exercised this right in the year 1861, at the time when the States went into rebellion. The two States with which the President began were North Carolina and Mississippi, where the right of voting was limited to free white male persons. The corner-stone of reconstruction was thus hewn from the old quarry of oppression. If President Johnson had himself said, No negro shall vote, this would not have been a more effective and direct exclusion of the negro by his own fiat. It was a proclamation of the prejudice against color and of the municipal and State laws against the same by the President of the United States. Taking the old law from rebel authorities, he proclaimed as United States law and ordained by his own will and choice that no colored person should vote. This was the tap-root of reconstruction, and every after measure took its vitality from that. The vote is the primal element of republican freedom. The exclusion of any one class from it is the primal element of despotism, and is the agency by which a republican despotism may be made more cruel and intolerable than any other.

But the object of our government is justice for the people. It is certainly a government of the negroes under it, as well as of the whites, and its object is the same in both cases—the securing of their rights as citizens and subjects, as a portion of the people, to whom the government be-

longs, and for whom it is bound to be administered. The government cannot rightfully be one thing for the negroes and another for the whites. Our Constitution and government are of and for the people, irrespective of complexion or race. In its application in the work of reconstruction we have nothing to do with the constitutions and laws which the rebel and slaveholding States had when they entered into the rebellion for the perpetuity and supremacy of slavery. Especially we cannot recognize as a pattern, starting-point, or model of reconstruction the constitutions and laws which were framed for the security and perpetuity of slavery. We cannot accept the distinctions which grew out of slavery, as things to be perpetuated or held sacred and authoritative. Neither can it be admitted that any rebel State shall designate its own conditions of return into the Union, especially when those conditions demand the oppression of loyal citizens as a class beneath the sole government of the rebels as the superior class. We could not constitutionally permit or establish an hereditary governing class, even if all classes were equally loyal; much less can it be just or endurable that the rebels be established as the sole governing class, to the permanent oppression of the loyal class. Nor is any apprehended insurmountable prejudice or determination of the rebels against the loyal blacks having the right of suffrage any justification for the proposal of the Committee to give and continue to the rebels the right to take away that right at their pleasure.

#### ESSENCE OF THE PLAN OF RECONSTRUCTION.

Yet this is the essence of the plan. It is to make the rebel government a white man's government, on the ground of an insurmountable prejudice and habit that has grown out of slavery—and is now put forward as a justification for leaving the whole and sole power of government in the rebel States in the hands of the whites, that is, of the rebels. The proposed amendment of the Constitution, authorizing

them to exclude the colored race from the vote, new creates and establishes this white oligarchy. The whole Presidential and Congressional statesmanship of reconstruction is comprehended in this one element, every other being subordinate or subservient to that.

If it is intended to keep the blacks, or any other class, in serfdom, it is only necessary to exclude them from voting. If it is intended to return them by State law under pretence of legal guardianship, into slavery, it is only necessary to exclude them from voting. Anything that the governing power wishes to do with the governed it can accomplish simply by withholding the right to vote from whom, and bestowing it upon whom it pleases, even to the extent of enslaving the non-voting party. This is the perfection of State sovereignty as contended for at the South. This is the sovereignty that is being reconstructed in the Union on any plan that excludes the colored race from the vote. It is the sovereignty of the white man's government, at present limiting its exercise to the color of the skin, but including the power which at any time may be developed, of a still more stringent despotism against any class that may become the object of hatred or jealousy.

ALL FREE PERSONS ENTITLED TO THE VOTE BY THE CONSTITUTION.

The Constitution of the United States was framed and adopted not with the right of excluding the colored race from the vote; but, on the contrary, with the exclusion of the supposition of such a right as impossible. The attempts were made by South Carolina to introduce an exclusion by color, and rejected. The article which was adopted, basing representation on the whole number of free persons, looked forward to the time when all would be free, and would have the same right of representation, irrespective of color or race. This is evident from the pages of the *Federalist* and the declarations of Hamilton and

Madison, as well as the various Bills of Rights adopted by the States. In the fifty-third number of the *Federalist*, it is presented as the opinion of slaveholders themselves that if ever the slaves were set free, the right of representation on their part would immediately follow. The declaration is very remarkable, and is as follows :

“It is only under the pretext that the laws have transformed the negroes into subjects of property, that a place is disputed them in the computation of numbers : and it is admitted that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants.”

This great event having come, that portion of the population of the rebel States heretofore excluded from the vote by slavery and color, are now on the same footing with the other inhabitants, constitutionally possessed of that right. They enter into the condition anticipated by Madison and Hamilton, so that the rebel States can no longer refuse, and the Congress are bound to secure for them, an equal share of representation with the other inhabitants. Unless the Constitution be altered, this is inevitable.

It is therefore proposed to amend the Constitution, so as to give the rebels the privilege and right, if they choose, of disfranchising the negroes on account of their color and race, thus enabling the rebel States to avoid the necessity, and destroy the benefit, contemplated by Madison and Hamilton under a free Constitution. And Congress, in sanctioning this amendment, are seen in the position of interfering to take away those rights which the negroes would otherwise have had under the Constitution as its framers and the people had established and accepted it, though they have disavowed the right of interfering to protect those rights. It proposed on purpose to alter the Constitution in order that this interference against the negroes may be justified and accomplished. In the sight of

God and justice, is this anything else but a legislative fraud and robbery ?

THE LEGACY OF FREEDOM AND ITS EXECUTORS.

We may illustrate the responsibility and the action of Congress by a familiar figure. The legacy of freedom having fallen to the colored race by the interposition of the Almighty, in the suicide of the slave States, the Congress have no right to withhold that legacy, or to interfere with it, or to alter its provisions, or to pervert its income, or to take away any of the privileges or rights connected with it or belonging to it, as to the same legacy in possession of white citizens in any of the States. The Congress are merely executors in trust in behalf of the colored race, that they may receive the utmost benefit from the legacy that ever can be received, or that can legitimately be gained from it, or that the white race reap from the same. The Congress have no more right to withhold the income, or to turn it over to the former masters, or to put it out of the power of the heirs and into the keeping of the rebels, than the executors of an estate left to a poor widow by will would have to take the income of that estate and invest it for their own children or give it to the keeper of a billiard table. The Congress have no right to legislate against the blacks, no right to prefer the white rebels before them, no more right to put the power of disfranchising the black race in their hands, than they would have to put the power of disfranchising the white race in the hands of the blacks. The Congress have no right to legislate in regard to the blacks at all, except as citizens, with the right of representation ; no right, without consulting them, to pass any law affecting their interests much more consigning them to the condition of persons dead in law.

The Committee of Fifteen had no right to propose any measure injuriously affecting their rights, without their consent. In all their investigations, have they proposed to

inquire what were the opinions and wishes of the colored race? In all their tender consideration of the habits of the rebels and the prejudices of men long accustomed to trample the colored race under foot, and in all their anxiety to conciliate those prejudices, have they so much as thought of questioning whether the rights and preferences of the blacks were to be taken into account? They have legislated, or proposed to legislate, according to their own showing, solely in behalf of the whites, and against the blacks to their injury. They could not put them back into slavery. The amended Constitution forbade that as a crime. They could, by another amendment, cast them down into serfdom, by giving their masters the right of destroying the vital right of freedom, the right of suffrage, and this they propose to do. Is there any consultation of the persons whose rights are thus sacrificed? Have the Committee sent into South Carolina to ask whether the majority of the people of that State would prefer to have the Constitution amended so as to put all their rights at the mercy of the minority? Has there ever been a Committee of Congress in Mississippi to call together a convention of the loyal colored race of that State—a vast majority of the population—to learn from them what they thought was best, and what, in their opinion would be the wisest permanent reconstruction? They have proposed to abandon the negroes as to the right of suffrage, to the disposal of the States according to former usage, because the reluctance of the whites to give up that power is quite insurmountable. Have they inquired of the negroes as to whether they were willing to be thus abandoned?

The voice of the Congress to the rebels in the proposed amendment is singularly degrading to our own government. If you choose to rob our citizens, do it; we shall not interfere to protect them; we will sanction the robbery. If you rob them of the right of suffrage, which you regard as your most sacred property, we will make such robbery a consti-

tutional right confirmed to you for ever ; only, you cannot be permitted to avail yourselves of their votes ; having destroyed them, you cannot make a property to yourselves of them. You may rob your victim, but we will make him a personal and public blank, so that, though he is in your power to degrade and insult as you please, you cannot make political capital out of him. You are at liberty to take from him the right of representation ; but if you do, you cannot any longer be represented by him. We guarantee to you the constitutional liberty to take from him the dearest right of his constitutional liberty. We amend the Constitution on your behalf against him for the purpose of securing you in this sacrifice of his rights. We gave him his liberty, and amended the Constitution for that purpose, to deliver him from slavery ; and we pledged ourselves to pass such laws as should be necessary to protect him in that freedom. We now amend the Constitution in order that you may again seize, bind and condemn him as a slave ; that you may take from him and from us, all power of protecting him, by taking from him all right of representation. Strip him of that right, and you can do with him as you please ; we can do nothing for him.

#### POSITIONS AND LOGIC OF THE COMMITTEE.

The amount of reasoning and conclusion in that part of the Report relating to the colored race is as follows :

1. The former slaves have been made free citizens.
2. Their rights, civil and political, as such, ought to be secured.
3. The vote is the power of self-protection and security.
4. Being such, it is a full and adequate protection to all classes of citizens.
5. The equal participation of all, without distinction, in all the rights and privileges of citizenship, is required to such full and adequate protection.

These propositions are gathered from the Report. The

conclusion to have been expected was that Congress are bound to secure by law to the colored race as well as the white that power of self protection in the vote, as freemen, of which they have always been deprived as slaves, and as deprived of the right of representation, heretofore, on account of the color of the skin. But, instead of this conclusion, the committee have presented,

6. The question, whether to give the vote and its power of self-protection to colored citizens in the rebel States ; a question involving,

7. The assumption of the right to withhold it at our pleasure, without consultation of those who are to be defrauded of it.

8. The reasons why it should be left with the rebel States, to be withheld at their pleasure from the colored race. The rebel States have always had exclusive possession of political power, consisting in the power of determining the vote as not belonging to the colored race, but only to the whites. The habit of such despotism is so fascinating, and unconquerable, that it is doubtful "whether those States would consent to surrender a power they had always exercised, and to which they were attached." Also, "doubtful whether Congress could act directly in the subject."

9. Conclusion therefore proposed, to leave with those States all this power still untouched, if they choose to exercise it. Authorize them to disfranchise citizens by reason of color as well as crime ; but appeal to their magnanimity, hoping for a result at no distant period.

10. Appeal also to their thirst for political State power, in the increase of State representation by the admission of all freemen to the vote.

11. "It is not just nor proper that the political advantages derived from the slaves becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal."



12. The tendency of continuing the domination of such a class by leaving it in the exclusive possession of political power, would be adverse to republican institutions.

13. Therefore, authorize that dominating class, by amending the Constitution for that purpose, to continue that exclusive possession as long as they choose, with simply the political drawback of a representation of the rebel States in the general government on the same rule as in all the States, the rule of the actual number of voters.

14. With this provision, leave the whole question of the disposal of the colored race with the people of each State, meaning of course the white people; for the colored are set aside as being tried for their social and political life, as criminals at the bar, and judgment waits to be pronounced, only the whites being judges. Leave it to the white people of each State to determine whether the colored race shall be any part of the people, with the people's right to vote.

15. This is "a gentle and persuasive policy," leaving the colored race in the power of the white race, but reminding the oligarchy thus constitutionally established, that each rebel State will have a larger representation in Congress if they conclude to admit colored citizens to that vital privilege of United States' citizenship, the vote which the amendment proposed by the Committee will give them the right of withholding from as many as they choose. Justice being thus rejected by the General government, and injustice made constitutional, it may be hoped that at no distant day, under such persuasions, the States will restore to the colored race that right of citizenship and humanity, which we have amended the Constitution to enable them to take away. "It may be hoped," says a conspicuous daily journal, "that the South will now accord equal rights to her freedmen," after such magnanimity on the part of the government in renouncing the right of governing and protecting them.

Such is the report of the Committee, in regard to the

grand central question of what is necessary for the security of the rights of free loyal citizens in the rebel States.

The Committee declare that the principle involved in this policy and amendment, "is known and believed to be sound." What principle is it? The principle of sacrificing the rights of the colored race in order to conciliate the prejudices of the rebels. There is no other imaginable principle except that of the expediency, for the sake of an easier reconstruction of the Union, of leaving the rebel States in possession of exclusive political power over the vote, as they have always held it, rejecting the colored race from all participation in it.

The remainder of the Report is a long, able, and conclusive demonstration that the people of the rebel States are at present wholly unfit to be trusted with such power or admitted by representation into Congress. They are still disloyal, revengeful, treasonable in their spirit, attitude, and demonstrations, and require, for the safety of the Union in future, that proper securities for peace and obedience to the Constitution and laws, be exacted and applied by Congressional legislation. To this end, supreme jurisdiction is claimed over them, and where it may not be exercised directly, it is proposed to amend "the organic law of government," so as to provide "such constitutional or other guarantees as will tend to secure the civil rights of all citizens of the republic, a just equality of representation, and protection against claims founded in rebellion and crime."

Such is declared to be the purpose of an amendment, the direct action of which is to authorize these same rebel States, pronounced unfit for representation themselves, to take away the right of representation, the right of the vote at their pleasure, from all the colored citizens of the United States—an amendment designed to give over the whole colored race of citizens into their power. That done, we

may appeal to their magnanimity and hope for a just equality of representation at no distant day.

#### CONSTITUTIONAL BASIS OF REPRESENTATION.

The Committee open that part of their Report with the statement of a provision already in the Constitution, namely, that representation shall be based on the whole number of free persons in each State, and three-fifths of all other persons. Since the abolition of slavery there are no such "other persons;" but all are free. Here, then, was a sufficient rule of justice. Why did not the Committee take their stand on that, and propose that it be carried into practice? It places the whole population of each State on the same footing, with the right of representation according to numbers—that is, according to the number of persons free, and therefore possessing, each, all, and equally the right of representation. That right is personal, individual, and is exercised by the vote, and in no other way. The whole number of free persons in the State exercise it—the only condition in the Constitution being freedom. Representatives and direct taxes shall be apportioned according to the number of free persons. Representatives can no more be apportioned to the people without suffrage, than taxes without representation. No taxation without representation. No representation without suffrage. Suffrage is the individual exercise of the right of representation; the expression of each one's representative judgment and will, as a portion of the people. The right cannot exist without the vote, and the vote, as well as the right of representation, belongs to every individual of the whole number of free persons in each State.

Now, then, Congress were bound to secure, by law, the benefit and right of this constitutional provision in the rebel as well as the loyal States. Congress were bound to see to it that when the slaves became free, they should no longer be unrepresented as chattels, or represented in

three-fifths, as the political property of their masters, but represented for and by themselves, by their own will and vote, according to the nature of representation with all other free persons. All that Congress had to do in the matter was to see to it that this provision having become, by the ceasing of slavery, binding upon the rebel States as well as the free, should not be evaded, but executed for the benefit and protection of the particular class that by the Constitutional Amendment forbidding slavery, had the title to it, inasmuch as they, being free persons, had become a part of the people of the States, by whom representatives must be chosen, as well as on whom direct taxes must be laid.

This action of the Constitution was inevitable, and imperious on the rebel States, unless the Constitution itself should be amended to prevent it. For the amendment of the Constitution which made the slaves free, threw them back, in that very act and moment, upon the universal organic law of representation by the whole number of free persons, no distinction of race or color being possible, and made it inevitable that they should vote in the rebel States as well as the free States. President Johnson's plan of reconstruction providing that only such persons should vote as had the right of voting, or did vote before the rebellion and before the slaves were made free, violated this law of the Constitution which based representation upon freedom, and excluded the free colored race from their constitutional and fundamental right. The Congress and the Committee have followed that Presidential plan. But whereas on the part of the President it was only a military proclamation, irrespective of the Constitution, it is essential that Congress and the Committee must act under and by the Constitution. It was impossible, therefore, to carry out President Johnson's plan excluding the colored race from suffrage in the rebel States, without an alteration of the Constitution giving to

all the States, and consequently to the rebel States, authority to base representation on the color of the skin, and not on the number of free persons ; that is, authority to evade the constitutional provision of freedom and citizenship as constituting the right of suffrage, by denying that right to whatsoever classes any State pleased, and for other causes besides rebellion and crime ; that is, authority to deny suffrage on account of the color of the skin, whenever any State chose to disfranchise its colored population.

THE AMENDMENT A STRATAGEM TO EVADE THE CONSTITUTION.

Instead of obeying and carrying out the Constitution as it stood, the Committee have prepared a new amendment expressly to avoid obeying it ; and this amendment intended to surmount the difficulty presented by the law of freedom in the Constitution, and the habit of long accustomed oligarchic and despotic power possessed by the white race exclusively in the rebel States, is now, by Congressional adoption, as concentrating the wisdom and justice of six month's deliberation, to be presented to the people and Legislatures of the States for their acceptance ; that is, to the white people exclusively, and to Legislatures chosen by the white race. How is this preference of a class despotism to be accounted for, when the establishment of equality for all classes before the law was equally in their power ?

The same Congress voted to the State of Colorado the right of disfranchising the colored race on account of color, when they might have compelled that State, according to the Constitution, to base its representation on the whole number of free persons, irrespective of color or race ; thus showing that their choice of this measure of despotism was hearty and deliberate, and that they were not compelled into it by an ultimate necessity such as that which compelled us to emancipate the slaves, nor by any difficulty otherwise insur-

mountable, for the overcoming of which the insertion of an unjust and oppressive article in the Constitution by amendment would be "eminently just and proper." After the vote on Colorado, it was quite needless for the Committee to go about with such laborious sophistry of a pressure of necessity and the intensity of rebel repugnance, to justify their method of disfranchisement by alteration of the Constitution. They might have taken it by naked precedent of the procedure against the colored race in the case of Colorado, as leaving them no alternative, inasmuch as they could not consistently give to a free State the privilege of disfranchising its colored population, and refuse the same privilege to a rebel State ; and this procedure might have been based on the article which the Committee have reported, providing that the privileges and immunities of citizens in one State shall not be refused to the citizens of another State. They might have said that it is contrary to the Constitution that the privilege belonging to white citizens in Colorado and Connecticut, of excluding colored citizens from the right to vote, should be denied or abridged to white citizens in South Carolina and Mississippi, more especially as in the case of these latter rebel States the white people are in a minority, and have long enjoyed that privilege of disfranchising the majority as their right, and are so habituated and attached to the exercise of its despotic power, that the difficulty of refusing or abridging it is quite insurmountable. They must be left in its continuance, till they themselves choose, under this gentle and persuasive policy, to put an end to it.

Disfranchisement is only for loyal citizens, and the rebels having long been accustomed to inflict that punishment, must be left undisturbed in that power. It is preached as a duty and proof of forbearance and pity on our part. We must thus show our forgiveness of the rebels, our enemies, by leaving our friends at their disposal unprotected. If they strike the negro on the right cheek, we must in-

stantly wrench him round and tell them to strike him on the other. If they take away the negro's cloak, we must let them take his coat also. If they burn his school-houses, we must let them also burn his churches. We must forgive all the negro's injuries, and bind him over for more.

THE AMENDMENT A POWER OF CHATTELIZATION.

Again, the measure proposed involves the comprehensive and offensive result of saddling upon all the States of the Union a despotic power of *chattelization* in effect, in order that rebel States may not be compelled to treat their former chattels as free voting citizens, as human beings. Freedom and full citizenship having accrued to the colored race in those States, by emancipation, the Committee propose to leave that race still unrepresented, and the rebel States still in the enjoyment of that power of ruling over them without representation, which they have always possessed. Hence the proposal of an amendment, reducing the whole colored race throughout the Union to the same category of being disfranchised at the pleasure of the State for other causes than that of crime. That is, in order to gratify the prejudice of South Carolina, for example, against the blacks, and to avoid interfering with the habit which that State has always enjoyed of ruling over the blacks as an inferior, unrepresented race of chattels and mudsills, the Committee propose a measure which reduces the whole colored race in all the States to the same level and capacity of being trampled on as in the rebel States; authorizing the white Legislatures everywhere to trample out the right of representation in the blacks. For the sake of introducing South Carolina to this freedom of destroying the right of suffrage in her black population Massachusetts is endowed with the same freedom, the same authority, by virtue of this amendment; and the colored race in Massachusetts are just as liable to be deprived of the right of voting, on account of the color

of the skin, if the State choose, as the colored race in South Carolina. This never before could be done by authority of the Constitution. It is now made a State right, by this amendment, everywhere, in order that it may be exercised as a State right by the rebel States. The Committee have taken pattern from the rebel States, and arranged the same suit for all the States accordingly. It is Confederate rebel grey adopted in the United States Constitution.

AN ILLUSTRATION FROM ORIENTAL DESPOTISM.

In order that the Jews in a particular city might be sacrificed to the prejudice and hatred of an inimical race in power, an Oriental despot enacted that the people in all the provinces throughout his vast dominions should have liberty and the right to kill and destroy the race of the Jews, wherever they pleased. It was of no consequence whether it were done or not elsewhere; it was certain that in the particular city where Haman dwelt, and where especially the Jewish race were the objects of his hatred, it would be done. And in order that it might be done without seeming to exercise an invidious and merely local and selecting vengeance, it was made universal by a law reaching through the whole empire. Just so in the case before us. If the Committee had been composed of so many Hamans they could not have contrived more artfully, more plausibly, a measure for the gratification of the hatred of the rebel States against the colored population. In order to disfranchise that whole population in those States, a decree goes forth that it shall be lawful according to the Constitution as amended for that purpose, to deprive the colored citizens of the right of voting in any and in all the States, either on account of color or of crime; if on account of color, then the whole population so deprived in and by the State, shall be counted null and void by the United States, and dead as to any right of representation either as individuals or as a number in the census of the population.



Just as if the Oriental despot had added in his decree giving to the people in all the provinces the right of killing Jews, that if in any province they availed themselves of that right, then the monarch would consider and regard that portion of the population killed by them as being really dead and buried, and no more to be numbered among the people of the province to be cared for. The analogy is impressive. For the measure proposing and providing for the disfranchisement of the colored race on account of the color of the skin, is the proposal and provision of their moral assassination; since from the time that a man loses the right of representation he is in fact considered as *caput mortuum*, practically a chattel. And for men to be put to that death, as colored persons by the white race and by white legislation, is the practice of the judicial declaration of Justice Taney, that black men have no rights that white men are bound to respect. And as Taney based his declaration on the ground that it had always been the habit and public opinion of the country, and therefore ought not to be reversed, so the Committee of Fifteen report that inasmuch as the rebel States have always enjoyed the privilege of governing the blacks without representation, it would be perilous to attempt to reverse that habit. Therefore, in order to avoid the appearance of injustice let the same habit be adopted by all the States, and let the Constitution be amended accordingly.

Yet the Committee express a strong sense of the obligation of protecting the negroes, and abhorrence of the abandonment of them to their former masters. They say it was impossible to abandon them without securing their rights as men and citizens, for they had become citizens and freemen. And yet those rights are taken from the negroes and given to the whites. And the measure of amendment proposed by the Committee is unquestionably an effective and entire abandonment of them to the tender

mercies of the rebels, with the agreement that being so abandoned, and being in consequence deprived of suffrage, and so of that right of self-protection, which the report of the Committee affirms to be essential, we, the white government, will not interfere to protect them, or to prevent their oppression, in any other way but by providing that if they are not permitted to vote, they shall not be counted as population. By this gentle and persuasive policy it is proposed to secure the rights of the negroes, whom we have abandoned to the will of the rebel masters to do with them as they please. We say to the rebels, Disfranchise them at your pleasure. We provide for you the constitutional authority to do this by an amendment without which you could not constitutionally have done it. In consideration of your doing it, you will relinquish the political power which would have accrued in the State representation, if they had been permitted to vote. Having thus secured their rights as men and citizens we abandon them to you, and shall not interfere whatever you do with them.

This is that "adequate security" in behalf of the negroes which the Committee claim to have wrought out "in appropriate provisions of the Constitution," having found it important to inquire what could be done to secure their rights, civil and political. The answer to that inquiry amounts to this:—Put them into the hands of the rebels, with the authority to destroy their right of suffrage, which is essential to self-protection, and then offer a premium of increased political momentum in the State, congressionally, if they forbear from exercising that authority.

#### DESPOITISM INAUGURATED IN THE CONSTITUTION.

A power of despotism never before imagined or asserted to reside in the Constitution is created for this emergency, and set in it, even the power of destroying the primal right of citizenship out of which the government springs, from

which it derives its being and for the protection of which in its wholeness and vitality untouched, unassailed, the government is supported. That power is created and given to each State, of destroying the right of representation in such classes as it pleases, and for any cause. The whole present purpose and occasion of this despotism is that the rebel States may have and enjoy constitutionally the power of disfranchising their black population. For this purpose there must be a change in the organic law of the government; not a change more firmly to secure the primal and inalienable right of the citizen, but to transfer that right to the possession of each State government at its disposal. For this purpose it is proposed that it be made a part of the organic law of our government that each State shall have the right to deny to any of its male inhabitants at its pleasure the right to vote, being 21 years of age, and citizens of the United States. This right is in and by the amendment in effect assumed as being a State right fundamental and undeniable. Whenever the right of vote is denied to any of the inhabitants, being citizens of the United States, the basis of representation therein shall be reduced in such State. No form of language could more stealthily or less offensively affirm the right of such denial of suffrage, yet no form could more effectually convey it. It is assumed as so real and unquestionable that when exercised, a reduction of the basis of representation ensues.

That the nature of this proposition may be more clearly visible we unite the first and second sections in logical connection. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States. But the right to vote for United States representatives or officers is not a fundamental right of citizenship of the United States, and may, therefore, be denied or abridged by any State at its pleasure. Provided only that whenever the right to vote for United States

officers is denied to citizens of the United States, or abridged, except for crime, the numerical basis of State representation shall be reduced accordingly.

DENIAL OF THE RIGHT OF REPRESENTATION.

It has always been supposed that a primal privilege and immunity of citizens of the United States was the right to vote, or the right of representation in and for the government of the United States, even as a primal privilege of citizens of the State is the right to vote or the right of representation in the State government. But the prime-ordial and inalienable nature of this right is here denied, and on that denial a change in the organic law of the government is based, giving over to the government itself this right of citizenship, as a possession and right not of the citizen but of the State government, to be withheld or bestowed at its pleasure. And this revolution, this *coup d'etat* in the bowels of the Constitution, is undertaken solely for the purpose of giving to the rebel States a constitutional right to disfranchise their whole colored population, and to govern them without representation. In other words to make each rebel State a white man's government, in which the blacks shall have no part, but though a large numerical majority, as in South Carolina, shall be governed solely by the whites, and disposed of in all respects at their pleasure.

This is all that the United States government can do, all that the Committee of Congress propose to be done, "for that large proportion of the population of the States recently in insurrection, made freemen and citizens by Constitutional Amendment, and who, through all the struggle of our government against the rebels, had remained true and loyal, and had in large numbers fought on the side of Union." They propose to give the rebels supreme power over these loyal citizens, as an "eminently just and proper method of surmounting the difficulty encountered

in the unwillingness of the rebel States to surrender a power they had always exercised, and to which they were attached." They had always exercised it over slaves. Without an Amendment in the Constitution providing for its exercise over freemen, its continuance would be contrary to the Constitution. Provide, therefore, such an Amendment, by which they may continue to exercise the power they are unwilling to surrender, and couple it with "the gentle and persuasive condition leading to an equal participation of all, without distinction, in all the rights and privileges of citizenship, by holding out to all the advantage of increased political power, as an inducement to allow all to participate in its exercise."

It would have been as easy and legitimate to provide by Amendment that colored citizens shall vote, as that white citizens shall have the right to deprive them of the vote. By securing to them the vote the Committee would have instantly and directly conferred upon the State that advantage of increased political power, the prospect of which they think will induce the rebels themselves to do this justice. The Committee authorize the injustice, and make it constitutional, and then invite the rebels to refrain from it.

#### THE COLORED RACE BETRAYED WITH A KISS.

The Committee betray the colored race with a kiss into the power of their enemies. The race are crushed between these two millstones, that Pilate and Herod may renew their union. Pilate, willing to content the people sets Barabbas at liberty, but delivers the just person into their hands to be crucified. It is regarded as an eminently just and proper method of surmounting the difficulty. The Committee wash their hands of the crime of renouncing the right of suffrage for the colored race, and giving it over into the power of the rebels, by proposing that the numerical representation of the rebel States shall be no

greater than the number of actual voters shall justify, according to the law of representation in all the States. They relieve themselves of the injustice of destroying the suffrage and protective right of the colored race by constraining the rebels to obey the constitutional law of numerical equality in their own white representation.

It is intimated by the Committee as doubtful whether Congress have any power to act directly on the subject of the vote. Yet their argument is conclusive as to the supreme authority of Congress over the rebel States. We believe that the duty of guaranteeing a republican government involves that power, since representation by suffrage is an essential element of republicanism, and if destroyed republican freedom is destroyed. It is therefore as perfectly within the province of congressional authority to establish and secure suffrage for the colored race, as for the white, since without this there can be no republican government. But whether it were so or not, it is certain that if Congress have the right to recommend an alteration of the Constitution against the colored race, they have precisely the same right to have recommended it in their favor. If the Committee could report it expedient to alter the Constitution so as to give the States the right of disfranchising the blacks, they could also have reported in favor of an amendment forbidding any State from ever disfranchising any citizen of the United States on account of the color of the skin. The Committee had their choice. They have preferred to report in favor of disfranchising the blacks and giving the power of such disfranchisement to the rebels, and for that purpose to all the States. They have done that which is set down in the Word of God and is felt in the common conscience of mankind to be a profound baseness and criminality ; they have administered justice out of respect to persons, making that respect the foundation of legislation, and that too in its lowest and most insolent form, respect to the color of the skin. For the whole

scope of this proposed legislation is in regard to the colored race, and the only reason for its introduction and peculiarity is that they are colored ; and the effect of the proposed amendment is to render constitutional what otherwise would have been contrary to the Constitution, namely, the taking away by the rebel States of the right to vote from the colored race in those States on account of the color of the skin.

And this has not been done without knowing what they were doing, not without distinct choice and preference. The right of the colored race to suffrage was demonstrated and insisted on, with great power of argument and eloquence of appeal, as equal to that of the whites. Who, not an idiot or a villain, could deny it? Forms of amendment were proposed, and just bills presented, recognizing and securing that right, and forbidding its ever being taken away on account of color. Messrs. Sumner, Stevens and Kelley, among others, have presented plans of reconstruction, unexceptionable, based on equal justice to the colored race as to the whites ; but for that very reason they have been rejected, and the votes of Congress have been concentrated upon the injustice.

And certainly a more thoroughly considered, deliberate, and needless act of injustice was never committed. And this demoralizing proposition is now made to the Legislatures and people of all the States of the Union, to alter the organic law of government so as to disfranchise the whole colored race, so as to rob five million colored citizens of the United States of the right of representation if the States please, that is, if the white people of the States please ; for the question of their own moral assassination is not to be presented to the colored race themselves, as though they had any interest in it or any right to adjudicate upon it ; but the white race are assumed and presupposed to be the only judges. The Committee proceed upon this assumption. They have not intimated the opinion that the colored

race are any portion of the people of the States in such a sense as to have any right in the government, but their proposed legislation is based on the assumption that they are not, but that only the white race are the people.

In proposing to submit the question of suffrage to the people of the States, they necessarily exclude the colored people, since to submit the question to them would be to acknowledge beforehand the fact of their right to representation and the vote. But the imagination is not entertained of any colored persons being permitted to vote upon the question of their own disfranchisement by white persons. The Committee in the arrangement proposed would seem to have been grounded in the opinion that black men have no rights that white men are bound to respect. The question relating to their dearest interests are given to the white race alone, as being the people of the States, to settle.

THE PROPOSED AMENDMENT OF THE CONSTITUTION A REVOLUTION AGAINST THE CONSTITUTION AND THE PEOPLE'S RIGHTS.

The amendment to the Constitution proposed by Congress, and the singular affirmations of Senator Howard and others in support of it, striking at the primal rights of citizenship, force upon us a renewed statement and defence of what we had supposed would never need a discussion.

What is citizenship? It is each man's individual share and right in the political inheritance, for the strength and protection of which all men join in the support of government, and acknowledge and promise their allegiance. Citizenship is the original covenant of each and all with the government, established and maintained by choice and vote of the citizens. It is exactly equivalent with, and held and represented by the vote. It is the native, heaven-appointed and constitutional quality and right of every person born in the country and claimed as in allegiance to the government. There can neither be the right of allegiance without



the right of citizenship, nor the right of citizenship without the right to vote. Where is the pretence or declaration in our Constitution that either the right of citizenship or of the vote is a right emanating from the government? On the contrary it is assumed, pre-supposed, as the common law and substratum of political authority and action, that citizenship and the vote are trusts conferred upon and committed to the government by the people, to be preserved and guarded for the people; so that the government are only commissioners in trust for the people, for the keeping and usufruct of these great fundamental possessions, for their benefit and security, while they go about their common and social business and enjoyments, without having to maintain a private watch against burglars and thieves. They have registered these bonds with the government, that they might pursue their own work of progress, of improvement in life and glory. Are they now to be told that both bonds and coupons are a gift from the government, to be bestowed or withheld at pleasure, or at the will of an imperium in imperio called State sovereignty? In that case, State sovereignty is neither more nor less than a cunningly devised machinery, by which the people can be robbed of their rights under pretence of republicanism, while their own government file a bill of bankruptcy, and put it out of their power to interfere for the protection or restoration of their property. It is the subtlest and most audacious form of robbery when the government affirms such fraud upon its citizens to be a reserved right of the States.

THE PRIMAL ALLEGIANCE OF CITIZENS IS TO THE UNITED STATES.

When a man is born in this country, he is born a citizen of the United States, in allegiance to the United States government, first of all—not to the State first of all; and there is no reserved right of the State to take away from him any right which his United States citizenship carries

with it. As a United States citizen he is bound to be represented in the United States government, and this right of representation is unavoidable and indestructible by anything that the State can do. If not, then the United States government is not the supreme government, but is only an adjunct or servile asteroid of the State governments. It is a fundamental and essential faculty of an independent, true government, which can claim allegiance, that it regulate and protect the representation of its citizens in its own national representative assembly. If it have not this power, but is dependent for its representatives from the people upon the will of another State, then it is a sham, a contempt, a worthless appendage. It becomes only a pilot fish for a shoal of State whales. The power of supreme government is a representative power, and the representation is from the persons in allegiance. Whatever takes place in any State, they cannot be cast off from their right of representation in the supreme government, nor can that government be defrauded of its right of representation, coeval and coequal with citizenship and allegiance, by any contrivance or regulation of mere State representation by State citizenship. The right of representation for the General government from all its citizens carries with it the right and power of the security and protection of that right. That right cannot be supreme in two governments at once. It must be co-essential with citizenship and allegiance. When the government claiming allegiance of all the people, without respect to any State government, says the people shall be represented in the House of Representatives, no State can come in and say that only a part of the people shall be represented. To say that, and to have that admitted, makes the State the supreme government, and brings the General government as a beggar to its bar, while it sacrifices the rights of whatever classes or proportion of the citizens it pleases, under pretence of the State right to determine the representation.

You abdicate the quality of national sovereignty, and thirty-six or forty imperia in imperio take it from you and assume it over you. You may assume to be the head of gold, but you give the regency and the brains to the feet of iron and clay.

But the government that our fathers constructed was not such a Nebuchadnezzar's image; if it were, it will be ground to powder. When they said in our Constitution that the electors of representatives in the general government shall have the same qualifications as of representatives to the most numerous body of the State legislatures, they assumed as the foundation of republicanism, both in the General and the State governments, the fundamental, inalienable right to vote as belonging to the people, and placed the right of the people to be represented in the General government on the same basis with the right of representation in their own State government.

#### RIGHT OF REPRESENTATION THE CORRELATIVE OF ALLEGIANCE.

What and who is a citizen? One who owes allegiance. If he owes allegiance, the government owe to him protection of all those rights for the security of which allegiance is proffered and citizenship secured. The citizens are those who have created the government for their own protection, and the vote is the primal right and power of such creatorship, and they cannot abdicate that right, or be divested of it without being changed from sovereigns into slaves. The assertion in the Senate by Mr. Howard is unquestionably false, "that it has not been regarded as a fundamental right lying at the foundation of our society." Because it was so regarded, and the British government denied it, our fathers revolted against that government, and threw it off as an unrighteous and despotic yoke, for themselves and their posterity. Representation, not of slaves nor skins, but of the people, the whole people, was the fundamental right for which and by which they con-

tended. The right of suffrage was and is the right of representation. If representation belongs to all the people, so does suffrage. If representation is a fundamental right, so is suffrage—for the one cannot exist without the other, any more than the air that we breathe can exist without its component elements. And it might as well be averred that the right to breathe our atmosphere was not a fundamental right, unless there were a local law permitting us to breathe oxygen.

One might as well assert that though life and locomotion were the natural right of all, yet the breathing of the air were not. The Senator from Michigan might have argued that the breathing of the air “has always been regarded in this country as the result of positive local law. It has not been regarded as one of those fundamental rights lying at the foundation of our society, and without which people cannot exist without being slaves or subjected to a despotism.”

Now for what purpose is this denial of the fundamental right of suffrage at this time introduced? It is a covered way for the destruction of that right in the colored race. It is for the purpose of justifying that act of robbery. It is not pretended that white men have not fundamentally the right of representation, or that there is any purpose or any danger of their being deprived of it. But it is that they themselves, the whites, in council, are resolved to take away their right from the blacks; and having the power of law-making entirely in their own hands, and being determined that the blacks shall never be admitted to any share in the white men's government, they cut off the blacks by denial of any fundamental right to vote, and by asserting suffrage to be the creation of local law; and by putting the word white into such law, as in the case of Colorado, they accomplish their work of moral assassination, and justify themselves in it. They make a law that every white man has the right to vote—but no black man. The whole

ground and object of discussing the question is not to establish or protect for any one a right, but to take it away from a class whom it has been concluded expedient to rob.

Here are two hundred thousand soldiers, whom we have put forward to defend our freedom and our life with the bullet, whom we proceed to reward by robbing them of the right to defend themselves and their own freedom, peaceably, morally, constitutionally, with the ballot? For this purpose we pervert the covenant of our fathers, and by amendment of the Constitution, we force upon an article in it which was intended to secure the right of representation as a right of citizenship, the conveyance of authority to destroy that right. As we formerly made a fugitive slave-law under pretence of fulfilling the article providing for justice, and appointed slave-hunters with rewards, we have now contrived an instrumentality of disfranchisement in the centre of an article based on the inviolability of the right of representation. There is not only no opposition to this outrage, but in order to justify it we deny the right of representation as not belonging to the people. Yet when it is proposed to take away that right for only four years' quarantine of rebels, there is a storm of indignation. The right belongs to rebels as citizens, so inalienably, that four years' armed rebellion cannot take it away. It is such a right for them, that the taking of it from them makes them slaves, but when our plan is to take it from the loyal colored man, our justification is that it belongs to nobody but by gift of the government,

#### A BIRTH-RIGHT OF HUMANITY DENIED.

For the sake of justifying a local law that deprives black men of the right to vote, white men are found base enough to denude themselves as men of that right, and to defend it as being white men in power; they strip themselves of the attributes of humanity, the rights of man, in order that by contrivance of special law they, as white men, may

exclude the blacks. They vote themselves into a privilege by the color of the skin, which they deny to themselves as belonging to themselves as men ; their skin is better than their manhood. A set of well tanned human hides would be more dignified, more worthy to make laws, than these politicians who thus deny their manhood to exalt their skin.

We despise our birth-right in order not to be compelled to share it with the colored race. In order to gratify our prejudice and pride we deny and reverse the most sacred principles of our government. Every other government on earth is advancing, is endeavoring to carry to more complete and perfect working its fundamental powers and vitalities. We are going backward ; Russia is advancing, England is advancing. The governments of the Old World are enlarging their principles. We are contracting ours, and denying the faith of our fathers. When was the right of representation ever before questioned ? But now it is affirmed to be a boon from the government, in order to cut off the colored race from being sharers in it. The natural rights of citizenship are contested, solely in order that negroes may be deprived of them. That is our statesmanship, the whole scheme and labor of reconstruction—to bring in the rebels and keep out the negroes. We took the negroes into our armies to fight for our own rights, protecting us from the rebels. We now refuse to protect them from the same rebels ; we give up their rights, and enact that the rebels shall have the right to rob them, and we strip them of their own right of self-defence, we take away their citizenship, and return the rebels into power over them as being the only citizens with the right to vote. We renew the old State laws against them. Whatever is against them we enact, for we have the power to sweep away all that legislation, and whatever we permit, we establish. *Qui facit per alium facit per se.* We are supreme to do evil, but

to do good we have no power. We cannot do justly against public opinion.

A FREE AND JUST REPRESENTATION, NOT PUBLIC OPINION,  
THE RULE OF LEGISLATION.

A distinguished representative from Massachusetts (Mr. Banks), is reported as saying that he "had no doubt that the government of the United States had full authority to extend the elective franchise to the colored people of the South ; but he did not think it had the power. The public opinion of the country was such at this moment as to make it impossible. He therefore thought it wise on the part of the Committee on Reconstruction to waive that matter in deference to public opinion. He approved the proposition to disfranchise the enemies of the country. He did not care much whether the extension of franchise to the negro was coupled with it." That is, in his judgment, it was just to disfranchise the enemies of the country ; it was also expedient to disfranchise its friends. The enemies of the country, being white, possess the franchise by virtue of their citizenship ; being white, they cannot be deprived of it except by special law and in punishment for crime. The friends of the country being black, are excluded from it by their color, and cannot be possessed of it except by special law, and although the Congress have the authority thus to bestow it, it is expedient to withhold it in deference to public opinion.

Public opinion is thus clothed with the authority of legislation, and enthroned in its place. Public opinion is enacted as law ; prejudice and social oppression are enacted as law. This is American statesmanship. Let the enemies of the country be disfranchised in punishment for treason. Let the friends of the country be also disfranchised in deference to public opinion, because of their color.

Was this distinguished representative sent by the people of Massachusetts to legislate in deference to *such* public

opinion? Or to carry out the principles of a just and free Constitution in the protection of a republican government secured by law? Whose public opinion? If that of Massachusetts, it is well known to be in favor of suffrage; if that of the rebels and their treason, against it. But where is the evidence? the expression? If solemn and permanent laws are to be shaped by it, there must be some definite, unmistakable development and proof of it. But suppose the public opinion is in the wrong, and the constitutional obligation and authority of Congress in the right.

Moreover, there is an ancient edict, Thou shalt not follow a multitude to do evil. That which is altogether just shalt thou follow. He that ruleth over men must be just, ruling in the fear of God, not of public opinion. Our representatives are appointed to enact and administer just laws, and not public opinion. If public opinion is the guide of statesmanship and the rule of affairs, then the rebels were justified in their rebellion in behalf of slavery, just as completely justified in keeping slaves and fighting for that privilege as we are justified in withholding the right of suffrage from the blacks, which belongs to them as citizens. It was public opinion that justified Aaron in moulding the golden calf. It was public opinion of them that sat at meat with him that justified Herod in the murder of John the Baptist. It was public opinion that guided Pilate's statesmanship when he gave up Christ at the voice of the multitude to be crucified, but set Barabbas the murderer free. Even so, now, the rebels are rewarded with freedom and the vote; the loyal colored race are delivered to their will to be crucified.

#### A PERILOUS AND DESPOTIC REVOLUTION.

Now the great revolution which is this instant going on is this. The government are deliberately taking from the people their sovereign rights as people, and putting them out of the citizens' power to recover, and out of the power



rebel States come into the Union with the blacks under their feet sets you also under the feet of an oligarchy, choosing to return to a more degraded condition than your fathers fought to deliver you from.

You deny your own birthright, not for a mess of pottage—there would be comparative virtue in that ; but for the sake of denying to the negro a participation in human rights. You consent to base the most sacred of your own rights on the whiteness of your skin, in order that you may take away the most sacred rights of the colored race on account of the blackness of theirs. What your fathers fought for unto the death as an inalienable right of freedom, because they were men, you accept as a boon of tyranny, because your skins are white. And this doctrine now taught in Congress makes rebels, slanderers, and hypocrites of your dead fathers, for the sake of rewarding living rebels with power as loyal men, and putting down loyal citizens by disfranchisement under them. As Burke once said, Your Senators and Representatives unplumb the dead, for bullets to assassinate the living. They desecrate our fathers' sepulchres, and the altar of human nature itself, and immolate the colored race by tricks ; the dice being loaded, the amendment a fraud. May God preserve the people, and restrain the State Legislatures from consummating the proposed iniquity.